

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NICOIS M. SMITH,

Plaintiff,

v.

OKLAHOMA STATE OF, ET AL.,

Defendants.

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CIV-19-868-R

ORDER

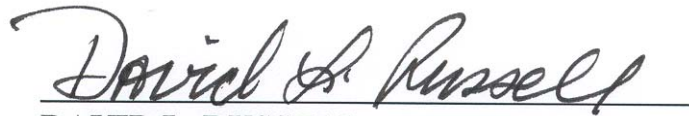
Plaintiff filed this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights by certain correctional professionals during his detention in the Oklahoma County Detention Center. (Doc. No. 1). Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for preliminary review. On December 20, 2019, Judge Purcell issued a Report and Recommendation wherein he recommended that Plaintiff's Motion for Discovery, Doc. No. 34, be denied without prejudice, because discovery is not yet appropriate in the case.¹ (Doc.No. 28). The matter is currently before the Court on Plaintiff's objection to the Report and Recommendation (Doc.No. 47). As a result of this objection, the Court must give *de novo* review to those portions of the Report and Recommendation to which Plaintiff makes specific objection. Having conducted such review, the Court finds no basis in the objection for rejecting or modifying the Report and Recommendation in any respect. Simply stated, it is not yet time for discovery and Plaintiff is hereby admonished not to file any additional

¹ Defendants have not yet been served with process.

motions for discovery until such time as he has been informed discovery is appropriate.²

The Report and Recommendation entered on December 20, 2019 is hereby ADOPTED. This matter remains before Judge Purcell for additional preliminary proceedings.

IT IS SO ORDERED this 21st day of January 2020.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE

² On January 7, 2020, Judge Purcell issued a supplemental Report and Recommendation recommending the Court deny another motion by Plaintiff for discovery. This motion and the Report and Recommendation remain pending because the time for objection has not yet run.